

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JOHN BOYD LAWRENCE,

Plaintiff,

v.

CIVIL ACTION NO. 3:18-1356

HUNTINGTON POLICE DEPARTMENT;
CABELL COUNTY PROSECUTING
ATTORNEY OFFICE;
DET. JASON DAVIS; and
PROSECUTOR JOE FINCHAM,

Defendants.

MEMORANDUM OPINION AND ORDER


This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Motion to Dismiss of Defendants Huntington Police Department and Detective Jason Davis (ECF No. 14) be granted; the request for dismissal of Complaint by Defendants Cabell County Prosecuting Attorney's Office and Prosecutor Joe Fincham be granted; and this action be dismissed, without prejudice, and removed from the docket of the Court. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that the Motion to Dismiss of Defendants Huntington Police Department and Detective Jason Davis (ECF No. 14) be **GRANTED**; the request for

dismissal of Complaint by Defendants Cabell County Prosecuting Attorney's Office and Prosecutor Joe Fincham be **GRANTED**; and this action be **DISMISSED**, without prejudice, and **REMOVED** from the docket of the Court, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: May 17, 2019

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE